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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

13 UNITED STATES OF AMERICA,) No. CR-10-00681-CW
14 Plaintiff,)
15 v.) [PROPOSED] ORDER EXCLUDING
16 TYRONE LAVAR HUMPHREY, and) TIME
17 ROYRICK DWAYNE MILLER,)
18 Defendant(s).)

20 Following the initial appearance of defendants TYRONE LAVAR HUMPHREY and
21 ROYRICK DWAYNE MILLER on September 17, 2010, the Court enters this order
22 documenting the exclusion of time for both defendants under the Speedy Trial Act until the next
23 court date of September 22, 2010.

24 As to Mr. Humphrey, the parties agreed, and the Court finds, that excluding time until
25 September 22, 2010, was the reasonable time necessary for effective preparation of defense
26 counsel, given the exercise of due diligence, so that counsel can obtain and review discovery. 18
27 U.S.C. § 3161(h)(7)(B)(iv).

28 As to Mr. Miller, a speedy trial exclusion is appropriate for continuity of counsel until

ORDER EXCLUDING TIME
Case No. CR-10-00681-CW

1 September 20, 2010, given the need to obtain retained counsel (given that the federal defender's
2 office is representing Mr. Humphrey). *Id.*

3 The exclusion as to Mr. Humphrey also is a reasonable period of delay as to Mr. Miller, and
4 thus the Speedy Trial exclusion as to Mr. Humphrey extends to Mr. Miller. *See* 18 U.S.C. §
5 3161(h)(6).

6 The Court finds that the ends of justice served by the continuance and excluding time
7 outweigh the best interest of the public and both defendants in a speedy trial. Accordingly, the
8 Court excludes time under the Speedy Trial Act from September 17, 2010, and September 22,
9 2010. *See* 18 U.S.C. § 3161(h)(7)(B)(A) and (B)(iv).

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12 DATED: September 20, 2010


13 LAUREL BEELER
United States Magistrate Judge